

THE COURTS.

Conclusion of the Kemble-Dana Libel Suit.

THE JURY DISAGREE.

Necessity for Banks to be Careful in Certifying Checks.

A City Gas Bill Ordered To Be Paid.

A Deputy Custom House Collector Indicted and Arrested.

The Metropolitan Gas Light Company claims that the city is indebted to it in the sum of \$100,000 for lighting street lamps and have brought suit to recover this amount. A motion was made yesterday in Supreme Court, Chambers, before Judge Lawrence, for leave to amend the complaint by setting up a tender of \$100,000 in payment of the debt. The motion was opposed on the ground that the money should be brought into court. Judge Lawrence took the papers, reserving his decision.

Judge Lawrence, in Supreme Court, Chambers, granted yesterday a temporary injunction against Charles Shay, George Callan and Francis R. Murtha, proprietors of the Globe Theatre, restraining them from giving any performance until payment of their license fees. As in previous cases the kind the application was made on behalf of the Society for the Reformation of Juvenile Delinquents.

THE KEMBLE-DANA LIBEL SUIT.

The libel suit of William H. Kemble, ex-Treasurer of Pennsylvania, against Charles A. Dana, for \$50,000 damages, on account of an alleged libel published in the New York Sun of March 15, 1874, was resumed yesterday before Judge Curtis in the Superior Court. There was a much larger attendance than on the first day of the trial. Mr. Kemble, the prosecutor, was promptly in attendance, accompanied by his counsel, Messrs. Cottman, Boscawen and Wheeler B. Peckham. The defendant was represented by William O. Bartlett and Willard Bartlett.

Yesterday's proceedings were opened on the part of the plaintiff, whose counsel introduced further testimony to prove the good character of Mr. Kemble. Among the witnesses called for this purpose were Major Stokely, of Philadelphia; Charles W. Brooke, a lawyer of this city, and J. L. Tobias. Mr. Jos. D. Boscawen testified that he had read the New York Sun of March 15, 1874, and that it contained a libelous article. He was called to the witness stand by the plaintiff's counsel. Mr. Bartlett, on the other hand, testified that the article was not libelous, but was a fair and true statement of the facts.

The jury, after hearing the testimony, retired to consider their verdict. They were out for some time, but finally returned with a verdict in favor of the plaintiff. The damages awarded were \$50,000. The jury also found that the defendant was guilty of libel. The case was then adjourned for the purpose of entering the verdict.

Mr. William O. Bartlett now proceeded to sum up for the defense. He took as the basis of his argument the fact that the article was published in a newspaper. He argued that the article was a fair and true statement of the facts, and that it was not libelous. He also argued that the plaintiff was guilty of libel. The jury, after hearing the argument, retired to consider their verdict. They were out for some time, but finally returned with a verdict in favor of the plaintiff.

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INTERESTING RAISED CHECK CASE.

The Mutual National Bank of Troy gave a check on the Park Bank of this city for \$44.25, the same being drawn to the order of P. F. F. The check was raised to \$710.25 and the name of P. F. F. was substituted for that of G. H. The Park Bank certified the check, the holder deposited it in the Equitable Savings Institution, which deposited it in the German-American Bank, which drew the money from the Park Bank. Suit was brought by the holder named John H. H. against the German-American Bank for the sum of \$710.25 and interest. The trial of the case began yesterday in the Court of Common Pleas before Judge J. F. F. The question raised is as to whether the certificate is a valid one or not, and whether it only certifies to the signature being genuine and there being funds in the bank to meet it, or whether it gives or \$553.83 for the plaintiff, thus showing that in cases of raised checks the bank paying the money is accountable for the entire sum paid.

A DEPUTY COLLECTOR INDICTED.

As intimated in the Herald yesterday, one of the two indictments presented by the Grand Jury in the United States Circuit Court, before Judge Blatchford, on Wednesday morning, was against a deputy collector of the Port of New York. The indictment strikes at the important official in the Revenue Department, Colonel Robert De Angelo. Deputy Collector for the Third Division, who is implicated in the Bell smuggling case, the particulars of which have been fully reported. The charge against De Angelo and upon the testimony on which he has been indicted is to the effect that in the month of January last he, in his official capacity, selected from an importation, principally composed of silks, a case of jewelry, which he sent to the Appraiser's office to be examined or for the purpose of securing a receipt therefor. The Appraiser and the Custom House authorities as to the real value of the importation and of which this particular case of jewelry was a part, and which in sample of the whole, was, as stated, was principally an importation of silks, with deliberate intent to defraud the government.

The accused yesterday presented himself before United States District Attorney Bliss and inquired of that official if it was true that he had been in-

dicted. He was then taken to the Court House, where he was arraigned on the indictment. He was held in custody until the next day, when he was brought before the Court. The trial of the case will begin tomorrow.

SUPREME COURT—CIRCUIT—PART 2.

Before Judge Van Brunt.

VERDICT FOR THE CITY.

Thomas Hushlin brought suit against the city to recover \$1,000 for services in indexing naturalization in the Marine Court. On the trial yesterday the defense interposed on behalf of the city was that the alleged services had never been rendered. The answer to this was that the Board of Naturalization had ordered the indexing to be done, and that the city was bound to do it.

COMMON PLEAS—TRIAL TERM—PART 1.

Before Judge Lawrence.

AMERICAN VERDICT AGAINST THE CITY.

Learned Johnson obtained a contract from the city for constructing a sewer, and brought suit to recover \$11,000 alleged to be due him on the contract. All the claim was admitted except \$1,344, which the city claimed to be due on account of the cost of the sewer. The evidence showed that but \$77 was paid for such overtime, and, deducting that amount, the Court directed a verdict for the plaintiff for the balance.

DECISIONS.

SUPREME COURT—CHAMBERS.

Cadwallader vs. Judge Lawrence. Maplesden vs. Demarest. Phoenix National Bank vs. Ross. Bloomfield vs. Vanderberg. Beach vs. Smith. Fadden vs. Keaney. In the matter of Raymond. Grantee.

Noy vs. Davis—Motion granted so far as to allow the defendant to answer on payment of costs of motion.

Rutherford vs. White—Motion denied with \$10 costs.

Pietta vs. Valentine—Motion to strike out part of answer granted.

Globe Insurance Company vs. Slass—Memorandum.

SUPERIOR COURT—SPECIAL TERM.

Grothe vs. Grothe—Motion denied.

Wickbaker Savings Bank vs. Shing et al.—Motion denied.

Germantown Bank vs. Frost—Motion denied, with \$10 costs to abide event.

Etzel vs. Bracken et al.—Motion denied, without prejudice to further motion if further proceedings be taken.

COMMON PLEAS—SPECIAL TERM.

By Judge Robinson.

Trebbian vs. Collins—Judgment for plaintiff on account of frivolous defense.

Kramer vs. Wickner—Motion granted, with \$10 costs, unless plaintiff cause surties to justify and pay for \$10 costs for four years and six months.

Cochran vs. Baane—Motion denied, with \$10 costs.

COURT OF GENERAL SESSIONS.

HOTEL THREE SENT TO PRISON.

In the Court of General Sessions, before Recorder Hackett, yesterday, William H. Brown, alias W. Barnes, pleaded guilty to an indictment charging him with stealing, on the 24th ult., a value containing wearing apparel and two drafts, the aggregate value of which was \$558.50, the property of the Hotel Three, in the City of New York. His Honor, in giving sentence, said that he understood the prisoner had the reputation of being a notorious hotel thief. He was sent to the State Prison for two years and six months.

FLEAS OF GUILT.

Bernard Hudson pleaded guilty to grand larceny, the allegation being that on the 6th of December he stole a gold watch and chain, valued at \$215, the property of William H. Allen. He was sent to the State Prison for four years and six months.

Robert H. Williams, who, on the 11th of January, stole a watch and chain, valued at \$75, the property of Hugo Schmied, pleaded guilty to an indictment charging him with stealing, on the 11th of January, a value containing wearing apparel and two drafts, the aggregate value of which was \$558.50, the property of the Hotel Three, in the City of New York. His Honor, in giving sentence, said that he understood the prisoner had the reputation of being a notorious hotel thief. He was sent to the State Prison for two years and six months.

FOUND IN POSSESSION.

Annie Parham, a colored servant, in the employ of Mr. Emma J. Mason, residing at No. 138 East Sixty-first street, was tried upon a charge of stealing stockings, handkerchiefs and a tudy. The last named article was found in the prisoner's trunk at her room in the City of New York. She was sent to the Penitentiary for six months.

ACQUITTED.

John Kane was tried upon a charge of attempting to steal an overcoat, belonging to Edward W. Bond, from a table in the Fifth Avenue Hotel, on the 23d of January. The complainant swore that he believed him to be the man; that he was almost certain that he was the man; that he was arrested on suspicion of stealing a tudy, valued at \$10, in Grand street. The police officer who arrested the man, who was caught in the act of stealing the overcoat, testified that the man, who was the prisoner Kane, was not the man. The jury returned a verdict of not guilty.

A DISSENTING FAMILY.

Horace Marks and Jacob and Lewis, his two little sons, were tried upon an indictment for grand larceny and receiving stolen goods. The proof adduced by the prosecution was that on the afternoon of the 11th ult. the boys broke a pane of glass in the pawnshop of Philip Goldstein, No. 167 Clinton street, and abstracted two rings, valued at \$30, which they gave to their father, who, a week afterward, sold them at a second hand store in Market street for \$7. The officer who made the arrest testified that the boys admitted they took the rings from Goldstein's pawnshop, and having told their father where they got them. A large number of witnesses, including the prisoners, were called by the defense, and the case occupied considerable time.

The jury, after hearing the testimony, retired to consider their verdict. They were out for some time, but finally returned with a verdict in favor of the defendant. The case was then adjourned for the purpose of entering the verdict.

THREE PRIVATE WATCHMEN ACQUITTED.

Hugh Nelson, William Carey and James Bennett, all private watchmen, were charged with burglariously entering the office of Vassar & Co.'s ale brewery in Warren street on the 7th of last month. It was clearly shown that the accused were authorized by the owner of the premises to go into the office to warm themselves on the night in question. They were accordingly honorably acquitted.

TOMBS POLICE COURT.

Before Judge Smith.

HELD FOR ROBBERY.

While Mr. John Ruff, of No. 42 Oak street, was walking through Madison street on New Year's night, he was assaulted by six ruffians, who robbed him of \$50 in money. The thieves remained at large until Wednesday last, when one of them, named Andrew White, was arrested by the police of the North Precinct. Yesterday Justice Murray held him in \$1,000 bail for trial.

FIFTY-SEVENTH STREET COURT.

Before Justice Plummer.

ROBBING KID PATRICK.

James Flynn, aged nineteen, of No. 302 East Thirty-sixth street, was charged by his father with stealing his mother's alpaca dress and a Bible, all valued at \$40. A pawn ticket representing the dress was found in his possession. He was committed to trial at the General Sessions.

ROBBING AN EXPRESS WAGON.

Thomas Plunkett, driver of an express wagon, undertook to deliver a package of woollen goods, on the 1st inst., to Rachel Olney, No. 367 First street, and lost them. The package contained a portion of the goods were found in the possession of a boy named George Hill, who said he found them in the street. His explanation was that he had stolen the goods from the wagon, and he was committed to trial at the General Sessions.

A YOUNG GIRL, NINETEEN YEARS OF AGE, NAMED Elizabeth Pellis, applied to the Court for a warrant for the arrest of a lawyer, named Joseph C. Ashley, on a charge of larceny. Her story, a very affecting one, was that about ten years ago, after the death of her mother, her father sent her to the Juvenile Asylum. Having spent a year therein Ashley appeared to her, and she was accordingly released. She remained with him, and with him at his place in Newark, corner of Monmouth and Spruce streets, only a few months when she ran away, and has since lived in this city with her mother. She had a few weeks ago applied to the Court for a warrant for the arrest of Ashley, and she had paid him \$200, which he had given her for the purpose of having him arrested. She then went to the Commissioner of Charities. They, on being informed of Ashley's conduct, sent for him, and he was committed to the Court. The Court, on being informed of the facts, ordered a warrant for the arrest of Ashley, and he was committed to the Court. The Court, on being informed of the facts, ordered a warrant for the arrest of Ashley, and he was committed to the Court.

ON MONDAY LAST A HACK DRIVER, NAMED Patrick Duffy, was committed to this Court for trial at the General Sessions on a charge of stealing a gold watch and chain and an ovoid watch, all valued at \$50, from Michael McGrath, a liquor dealer of the Nineteenth ward. McGrath, it appears, got very drunk down town, and a friend, named Kearney, who accompanied him was not in a much better condition. Mr. Duffy, a saloon keeper in New street, in whose place they drank, told McGrath that he had a gold watch and chain, and left it with him. When McGrath returned home, he found the watch and chain missing. He then went to the Commissioner of Charities. They, on being informed of the facts, sent for him, and he was committed to the Court. The Court, on being informed of the facts, ordered a warrant for the arrest of Duffy, and he was committed to the Court.

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THE BOARD OF APPOINTMENT.

A Field Day in the Board Yesterday.

MR. GREEN AS A LOBBYIST.

The Comptroller and the Commissioner of Public Works Face to Face.

THE MAYOR'S VICTORY.

The meeting of the Board of Apportionment yesterday was the liveliest meeting that has been held for some time. The first part of the session was devoted to routine business, such as transferring \$40,000 from one fund to another for the Health Board, and laying over for future consideration the application of the Charity Commissioners to be allowed to use \$2,000 balance of an old fund for the erection of hand elevators in Bellevue Hospital. A resolution to authorize the Comptroller to issue \$100,000 Natural History stock, being the balance of the \$200,000 authorized last November, was carried.

The application of the Commissioner of Public Works that an issue of bonds for sewer repairs to the amount of \$50,000 should be authorized by the Board, which application was read at the meeting on Wednesday, was the occasion for the exciting scenes which afterward marked the proceedings, and during which, as will be seen, Mr. Green and Mr. Van Nort had a lively tilt. In speaking of the application of the Commissioner Mr. Green said:—

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THE BOARD OF APPOINTMENT.

A Field Day in the Board Yesterday.

MR. GREEN AS A LOBBYIST.

The Comptroller and the Commissioner of Public Works Face to Face.

THE MAYOR'S VICTORY.

The meeting of the Board of Apportionment yesterday was the liveliest meeting that has been held for some time. The first part of the session was devoted to routine business, such as transferring \$40,000 from one fund to another for the Health Board, and laying over for future consideration the application of the Charity Commissioners to be allowed to use \$2,000 balance of an old fund